



October 24, 2023

Via ECF and E-mail

MEMO ENDORSED

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

**Re: *In re Tether and Bitfinex Crypto Asset Litigation*, 19-CV-09236 (KPF) –
Letter Motion to File Motion for Leave to Amend and Exhibit Thereto Under
Seal**

Dear Judge Failla,

We represent Plaintiffs in the above-referenced action. Pursuant to Rule 9 of this Court's Individual Rules of Practice in Civil Cases, we write to request permission to file Plaintiffs' October 24, 2023 Motion for Leave to File a Second Amended Complaint ("Plaintiffs' Motion") and the exhibit thereto, Plaintiffs' proposed Second Amended Complaint (the "SAC"), under seal.

Plaintiffs' Motion and the SAC contain information that has been designated as Confidential or Attorneys' Eyes Only by Defendants pursuant to this Court's Protective Order. ECF No. 151, at ¶ 3. Plaintiffs' Motion and the SAC also contain information concerning the Anonymous Trader, such information is Attorney's Eyes Only subject to the Court's November 22, 2021 Order. Dkt. 195. With respect to information designated Confidential or Attorneys' Eyes Only by Defendants, Plaintiffs take no position as to Defendants' characterization of that information as Confidential or Attorneys' Eyes Only for the limited purposes of this filing.

Plaintiffs recognize that confidential business interests must be weighed against the strong presumption of public access to the Courts. *Video Software Dealers Ass'n v. Orion Pictures Corp.* (*In re Orion Pictures Corp.*), 21 F.3d 24, 26 (2d Cir. 1994) ("In this country, courts have recognized a strong presumption of public access to court records. This preference for public access is rooted in the public's first amendment right to know about the administration of justice.") (internal citation removed). Plaintiffs therefore respectfully request permission to file unsealed copies of Plaintiffs' Motion and the SAC on November 1, 2023, subject to redactions proposed by Defendants and redactions to comply with this Court's prior orders. *See* Dkts. 195, 215.

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Accordingly, Plaintiffs respectfully request leave to file Plaintiffs' Motion, and the SAC attached thereto, under seal in the first instance to avoid any improper disclosure of information Defendants have designated as Confidential or Attorneys' Eyes Only. *See* ECF No. 151, at ¶ 4.b. Plaintiffs further request permission to file unsealed, redacted versions of Plaintiffs' Motion, and the SAC, on November 1, 2023, subject to redactions proposed by Defendants and redactions to comply with the Court's prior orders. *See* Dkts. 195, 215.

Respectfully submitted,

/s/ Andrew R. Dunlap

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*Interim Lead Counsel and Attorneys for
Plaintiffs and the Proposed Class*

cc: All Counsel of Record (via ECF)

Application GRANTED. The Clerk of Court is directed to maintain docket entry 480 under seal, viewable to the Court and the parties only.

Furthermore, Plaintiffs are hereby ORDERED to provide a redline version of their proposed Second Amended Consolidated Class Action Complaint, showing all differences between that document and the Amended Consolidated Class Action Complaint (Dkt. #114). Plaintiffs shall file this document with the Court on or before **October 30, 2023**.

The Clerk of Court is directed to terminate the pending motion at docket number 478.

Dated: October 27, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE